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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,020	12/21/2001	Karen Heneghan	KH-1	5345

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EXAMINER

COLE, LAURA C

ART UNIT PAPER NUMBER

1744

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,020

Applicant(s)

HENEGHAN, KAREN

Examiner

Laura C. Cole

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been reopened due to the Decision on Appeal mailed to the Applicant on 31 August 2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo et al., USPN 4,951,909 in view of Vartanian, USPN 5,655,589.

Russo et al. disclose a mounting means for a common window shade (Column 2 Line 66 to Column 3 Line 2) having advertising information or decorations (see Figure 1; Column 1 Lines 29-39), wherein the mounting means includes a first and second end support (18 and 19), each support including a back portion (32 and 34) and a lower portion (22 and 23, wherein the attachment to the portions 32 and 34 are transverse), and suction cup means (20, 21) affixed to the back portions. Each of the end supports

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includes "side portions" (the side portions being the side faces of 22 or 23). Each of the end supports comprises front portions (the loop or hook formed by 22 and 23 provide a front portion) for restriction transverse horizontal movement of the spine (see Figure 1). Russo et al. does not include that the common window shade is a mini-blind structure having a rigid spine.

Vartanian discloses a decorative mini-blind (Abstract) having a design or decoration (Column 4 Lines 20-33) and a rigid spine (not labeled; see Figures near reference numeral "10").

It would have been obvious for one of ordinary skill in the art to substitute the common window shade of Russo et al. for mini-blinds having a rigid spine, as Vartanian teaches, in order to provide an alternative type of common window covering or shading mechanism that displays indicia or decorations.

3. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo et al., USPN 4,951,909 and Vartanian, USPN 5,655,589 as applied to Claim 1, in view of Gary et al., USPN 6,325,344.

Russo et al. and Vartanian disclose all elements above, however the end supports do not include a pair of suction cups.

Gary et al. disclose a hanger device that has a back portion and a lower portion extending at right angles thereto (see Figures 1 and 5-7) and suction cup means affixed to the back portion (12). Further, the device of Gary et al. is for hanging objects and supporting a load in the front of a vertical surface (Column 2 Lines 54-67) and is shaped triangularly and having two suction cups (16) for structural stability, improved load

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distribution, and reducing the tendency of suction cups to be pulled away from a surface (Column 2 Lines 1-23; Column 3 Lines 21-23).

It would have been obvious for one of ordinary skill in the art to modify the end support of Russo et al. and Vartanian to have a configuration that has a pair of suction cups, as Gary et al. teach, in order to better structurally support and provide stability to the object that it is mounting.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russo et al., USPN 4,951,909 and Vartanian, USPN 5,655,589 as applied to Claim 1, in view of Howard, USPN 6,308,923.

Russo et al. and Vartanian disclose all elements above, however do not include an intermediate support.

Howard discloses the claimed invention including a first and second end support (Figures 5, 6 and 8, individually depicted in Figure 2), each support having a back portion (24) and a lower portion extending perpendicular thereto (see Figure 2 hatched lines displaying an unlabeled portion appearing to be perpendicular to (24)), and suction cup means (12). The end supports each include a front portion for restricting transverse horizontal movement (see especially Figure 2, portion with "ball" or "bulb" at the end). The system further includes an intermediate support (Figure 6 includes a third support) having the same structure of the first and second support end and suction cup means affixed to the back portion. Additionally, Howard teaches that arranging the supports in different ways for supporting various elements can be achieved (Column 6 Lines 28-38).

It would have been obvious for one of ordinary skill in the art to modify the support arrangement of Russo et al. and Vartanian to further include an intermediate support, as Howard teaches, in order to provide sufficient means of supporting a device.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russo et al., USPN 4,951,909, Vartanian, USPN 5,655,589, and Gary et al., USPN 6,325,344 as applied to Claim 7, in view of Howard, USPN 6,308,923.

Russo et al., Vartanian, and Gary et al. disclose all elements above, however do not include an intermediate support.

Howard discloses the claimed invention including a first and second end support (Figures 5, 6 and 8, individually depicted in Figure 2), each support having a back portion (24) and a lower portion extending perpendicular thereto (see Figure 2 hatched lines displaying an unlabeled portion appearing to be perpendicular to (24)), and suction cup means (12). The end supports each include a front portion for restricting transverse horizontal movement (see especially Figure 2, portion with "ball" or "bulb" at the end). The system further includes an intermediate support (Figure 6 includes a third support) having the same structure of the first and second support end and suction cup means affixed to the back portion. Additionally, Howard teaches that arranging the supports in different ways for supporting various elements can be achieved (Column 6 Lines 28-38).

It would have been obvious for one of ordinary skill in the art to modify the support arrangement of Russo et al., Vartanian, and Gary et al. to further include an intermediate support, as Howard teaches, in order to provide sufficient means of supporting a device.

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6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russo et al., USPN 4,951,909, Vartanian, USPN 5,655,589, and Howard, USPN 6,308,923 as applied to Claim 5, in view of Anderle, USPN 2,890,851.

Russo et al., Vartanian, and Howard disclose all elements above, however do not include however do not provide alignment indicia.

Anderle discloses an installation and mounting bracket that uses indicia (29) to adjust the mounting locations of the screws in mounting to maintain the correct vertical alignment, as the Applicant's invention also attempts.

It would have been obvious for one of ordinary skill in the art to provide alignment indicia to the device of Russo et al., Vartanian, and Howard, such as Anderle discloses so that the mounted device is aligned levelly and it would have been obvious for one of ordinary skill in the art to provide such indicia by a horizontal line as an alternate way of presenting the indicia.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russo et al., USPN 4,951,909, Vartanian, USPN 5,655,589, Gary et al., USPN 6,325,344, and Howard, USPN 6,308,923 as applied to Claim 8, in view of Anderle, USPN 2,890,851.

Russo et al., Vartanian, Gary et al., and Howard disclose all elements above, however do not include however do not provide alignment indicia.

Anderle discloses an installation and mounting bracket that uses indicia (29) to adjust the mounting locations of the screws in mounting to maintain the correct vertical alignment, as the Applicant's invention also attempts.

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It would have been obvious for one of ordinary skill in the art to provide alignment indicia to the device of Russo et al., Vartanian, Gary et al., and Howard, such as Anderle discloses so that the mounted device is aligned levelly and it would have been obvious for one of ordinary skill in the art to provide such indicia by a horizontal line as an alternate way of presenting the indicia.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Cole whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LCC

LCC

09 September 2005

Robert J. Warden, Sr.

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